

1 Rule 69C. Redemption of real property after sale.

2 (a) Right of redemption. Real property may be redeemed unless the estate is less than a
3 leasehold of a two-years' unexpired term, in which case the sale is absolute.

4 (b) Who may redeem. Real property subject to redemption may be redeemed by the
5 defendant or by a creditor having a lien on the property junior to that on which the property was
6 sold or by their successors in interest. If the defendant redeems, the effect of the sale is
7 terminated and the defendant is restored to the defendant's estate. If the property is redeemed by
8 a creditor, any other creditor having a right of redemption may redeem.

9 (c) How made. To redeem, the redemptioner shall pay the amount required to the purchaser
10 and shall serve on the purchaser:

11 (c)(1) a certified copy of the judgment or lien under which the redemptioner claims the right
12 to redeem;

13 (c)(2) an assignment, properly acknowledged if necessary to establish the claim; and

14 (c)(3) an affidavit showing the amount due on the judgment or lien.

15 (d) Time for redemption. The property may be redeemed within 180 days after the sale.

16 (e) Redemption price. The price to redeem is the sale price plus six percent. The price for a
17 subsequent redemption is the redemption price plus three percent. If the purchaser or
18 redemptioner files with the county recorder notice of the amounts paid for taxes, assessments,
19 insurance, maintenance, repair or any lien other than the lien on which the redemption was
20 based, the price to redeem includes such amounts plus six percent for an initial redemption or
21 three percent for a subsequent redemption. Failure to file notice of the amounts with the county
22 recorder waives the right to claim such amounts.

23 (f) Dispute regarding price. If there is a dispute about the redemption price, the redemptioner
24 shall within 20 days of the redemption pay into court the amount necessary for redemption less
25 the amount in dispute and file and serve upon the purchaser a petition setting forth the items to
26 which the redemptioner objects and the grounds for the objection. The petition is deemed denied.
27 The court may permit discovery. The court shall conduct an evidentiary hearing and enter an
28 order determining the redemption price. The redemptioner shall pay to the clerk any additional
29 amount within seven days after the court's order.

(g) Certificate of redemption. The purchaser shall promptly execute and deliver to the redemptioner, or the redemptioner to a subsequent redemptioner, a certificate of redemption containing:

(g)(1) a detailed description of the real property;

(g)(2) the price paid;

(g)(3) a statement that all right, title, interest of the purchaser in the property is conveyed to the redemptioner; and

(g)(4) if known, whether the sale is subject to redemption.

The redemptioner or subsequent redemptioner shall file a duplicate of the certificate with the county recorder.

(h) Conveyance. The purchaser or last redemptioner is entitled to conveyance upon the expiration of the time permitted for redemption.

(i) Rents and profits, request for accounting, extension of time for redemption.

(i)(1) Subject to a superior claim, the purchaser is entitled to the rents of the property or the value of the use and occupation of the property from the time of sale until redemption. Subject to a superior claim, a redemptioner is entitled to the rents of the property or the value of the use and occupation of the property from the time of redemption until a subsequent redemption. Rents and profits are a credit upon the redemption price.

(i)(2) Upon written request served on the purchaser before the time for redemption expires, the purchaser shall prepare and serve on the requester a written and verified account of rents and profits. The period for redemption is extended to five days after the accounting is served. If the purchaser fails to serve the accounting within 30 days after the request, the redemptioner may, within 60 days after the request, bring an action to compel an accounting. The period for redemption is extended to 15 days after the order of the court.

(j) Remedies.

(j)(1) For waste. A purchaser or redemptioner may file a motion requesting the court to restrain the commission of waste on the property. After the estate has become absolute, the purchaser or redemptioner may file an action to recover damages for waste.

(j)(2) Failure to obtain property.

(j)(2)(A) A purchaser or redemptioner who fails to obtain the property or who is evicted from the property because the judgment against the defendant is reversed or discharged may file a

61 motion for judgment against the plaintiff for the purchase price plus amounts paid for taxes,
62 assessments, insurance, maintenance and repair plus interest.

63 (j)(2)(B) A purchaser or redemptioner who fails to obtain the property or who is evicted from
64 the property because of an irregularity in the sale or because the property is exempt, may file a
65 motion for judgment against the plaintiff or the defendant for the purchase price plus amounts
66 paid for taxes, assessments, insurance, maintenance and repair plus interest. If the court enters
67 judgment against the plaintiff, the court shall revive the plaintiff's judgment against defendant
68 for the amount of the judgment against plaintiff.

69 (j)(2)(C) Interest on a judgment in favor of a purchaser or redemptioner is governed by Utah
70 Code Section 15-1-4. Interest on a revived judgment in favor of the plaintiff against the
71 defendant is at the rate of the original judgment. The effective date of a revived judgment in
72 favor of plaintiff against defendant is the date of the original judgment except as to an
73 intervening purchaser in good faith.

74 (k) Contribution and reimbursement. A defendant may claim contribution or reimbursement
75 from other defendants by filing a motion.

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